

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**WILLIAM C. ROBINSON and
MARGARETTE ROBINSON,**

PLAINTIFFS,

VS.

CIVIL ACTION NO. 2:08CV216-P-S

NATIONWIDE TRUSTEE SERVICES, INC.,

DEFENDANT.

FINAL JUDGMENT

This matter comes before the court upon its own motion to dismiss this case for lack of prosecution. After considering the record of this case, the court finds as follows, to-wit:

The plaintiffs filed this action *pro se* on July 15, 2008 in the Chancery Court of DeSoto County, Mississippi. The defendant removed this case to federal court on October 7, 2008 based on federal question jurisdiction, arguing that the plaintiffs allege a violation of federal law, 15 U.S.C. § 1635(a). The next day, on October 8, 2008, the court entered an order requiring a filing of a copy of the entire State Court record. The docket reflects that on October 28, 2008 mail sent to the plaintiffs was returned as undeliverable.

Pursuant to Federal Rule of Civil Procedure 41(b) a court may dismiss a case on its own motion for the plaintiff's failure to prosecute. *Link v. Wabash*, 370 U.S. 626, 629-30 (1962); *Colle v. Brazos County, Tex.*, 981 F.2d 237, 242-3 (5th Cir. 1993). After this case was removed on October 7, 2008, the plaintiffs have filed nothing before the court, nor have they otherwise contacted the court during the almost five months since removal.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The plaintiff's claims are **DISMISSED WITHOUT PREJUDICE** for failure to prosecute; and

(2) This case is **CLOSED** with the parties to bear their own costs.

SO ORDERED this the 3rd day of March, A.D., 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE